

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERIK ESTAVILLO,

Plaintiff,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Case No.: C 09-5485 PVT

**ORDER DEEMING MOTION TO DISMISS
TO BE NOTICE OF DISMISSAL PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE
41(a)(1)(A)(i)**

On January 29, 2010, Plaintiff filed a document in which he states he moves to dismiss this case.¹ Based on said document and the file herein,

IT IS HEREBY ORDERED that Plaintiff's motion is deemed to be a notice of dismissal pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) (a "plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment"). The clerk of the court may close the file.

Dated: *March 25, 2010*


PATRICIA V. TRUMBULL
United States Magistrate Judge

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 3/26/10 to:

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/s/ Donna Kirchner for
MARTHA BROWN
Courtroom Deputy